

III. REMARKS

Remarks regarding the abstract:

The abstract has been amended to reduce the length to under the 150 word maximum permitted length.

Remarks regarding the claims:

Claims 22,28, 34, and 40 have been amended to change "situate" to "situated", as requested by the examiner on page 2 of the Office Action.

Independent claim 28 (and thus dependent claims 29-33) has been amended by adding the words "of said positive displacement means" to the end of the last recited element of claim 28, namely, "piston phasing means integral with at least one of the cylinder members", to emphasize that the piston phasing means are present on the cylinder members of the positive displacement means, as opposed to the alternate claimed configuration of claims 34-39, where the piston phasing means is recited as being integral with the (first and second) hydraulic cylinders (of the hydraulic platform lift).

As the examiner will duly note, an important element of each and every claim on file is the recited element of "piston phasing means".

The specification defines the term "piston phasing means", in one embodiment of the invention, as a pair of apertures, longitudinally spaced along a cylinder member (ie of a postive displacement means-see for example Fig. 6A), situated proximate one end of such cylinder member, where one aperture is of a larger area than the other.

In another embodiment, the "piston phasing means" comprises a pair of apertures, longitudinally spaced along a hydraulic cylinder (ie that of the left or right hydraulic cylinder -see for example Fig. 11), likewise situated proximate one end of such hydraulic cylinder, where one aperture is of a larger area than the other.

In all instances the "piston phasing means" is adapted to allow bypass of hydraulic oil around a piston through one of the two apertures when such piston is at the end of its travel at one end of the respective cylinder and proximate such apertures.

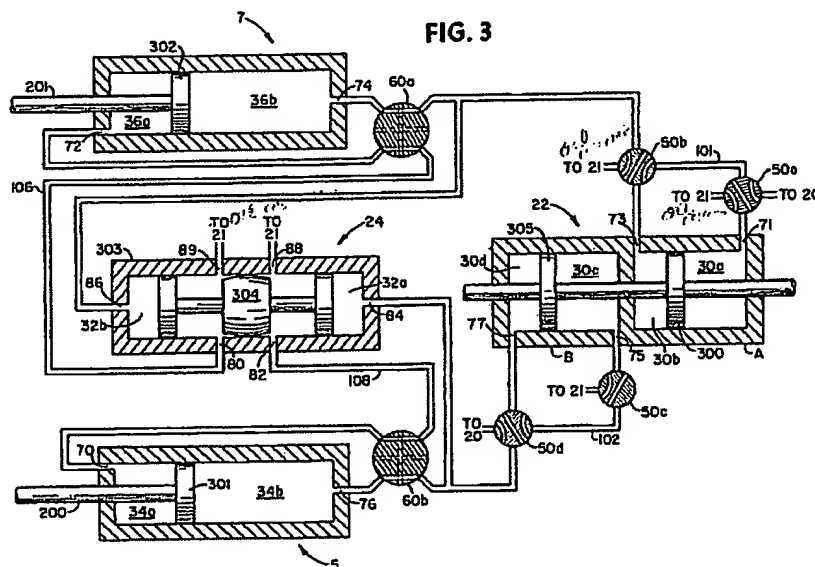
The examiner's rejection of the following claims as being anticipated in view of **Mifsud**, namely claims 22-24, 28-30, & 34, and rejection of the following claims due to obviousness, as follows:

claim 26 –unpatentable over **Mifsud** in view of Colarelli;
claims 35-36, 38, 40-43 & 45- unpatentable over **Mifsud** in view of Kucera

has been duly noted.

It is noted, however, that the examiner's interpretation of various components of **Mifsud** as comprising "piston phasing means" is crucial in maintaining the objection to the above claims. With respect, the examiner has seriously erred in his characterization of various components of **Mifsud** as "piston phasing means" as that term is defined and disclosed in the specification. The applicant accordingly herein traverses the examiner's characterization of **Mifsud** and its relevance.

Specifically, **Mifsud** teaches a positive displacement valve 22 in association with two lifting cylinders 5,7, in conjunction with what is effectively a balancing valve 24, as may be plainly seen from Fig. 3 thereof, shown below:



Contrary to the Examiner's assertions at page 3 of the Office Action in respect of independent claim 22 and at the top of page 4 with respect to independent claim 28 that Mifsud possesses "*piston phasing means (50a, 50b) integral with cylinder member (A)*", Mifsud clearly does not disclose piston phasing means at all, and particularly does not disclose piston phasing means 50a, 50b on the positive displacement valve 22. Rather, items 50a, 50b of Mifsud are simply valves to allow forward and reverse flow (ref. col. 4, lines 6-7, 65-68 and col. 5, lines 1-4), and do not constitute "piston phasing means" as that term is employed in the present specification.

Likewise, contrary to the examiner's assertions at page 4 of the Office Action with respect to independent claim 34 wherein the examiner alleges Mifsud teaches "piston phasing means (24)", item 24 of Mifsud is a "drain valve", whose purpose is to adjust the flow of hydraulic fluid out of the non-working chambers of the hydraulic lift cylinders so that the pressure in the working chamber is lift cylinder 7 is substantially equal to the pressure in lift cylinder 5 (ref. col 4, lines 53-58). In no way does drain valve 24 function as a "piston phasing means" as taught in the present specification.

Similarly, and contrary to the examiner's assertions at page 5 of the Office Action in respect of remaining independent claim 40 wherein the examiner alleges "piston phasing means" comprising items 50a-d and 24 of Mifsud, such is a clear mischaracterization for the reasons identified above.

Lastly, with respect to claims 23 and 29, and 41-43 wherein the examiner alleges the recited "piston phasing means" comprising a pair of apertures is said to be present in Mifsud as pairs of apertures 74,72 & 70,76, and 71,73 and 75,77, such is clearly a mischaracterization of such components of Mifsud. In this regard, as clearly seen from Fig. 3, each of pairs of apertures 74,72, 70,76 of Mifsud on lift cylinders 5,7, and pairs of apertures 71,73 and 75,77 on positive displacement valve 22 are at opposite ends of the respective appropriate cylinder. Accordingly, such cannot in any way function nor be construed as "piston phasing means" as that term is used and defined in the present specification.

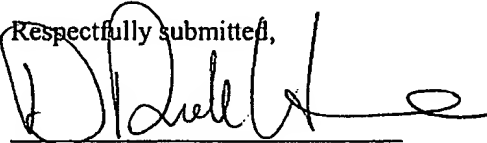
In view of the above, none of the elements of Mifsud identified by the examiner [valves 50a, 50b, drain valve 24, or pairs of apertures 74,72 & 70,76, and 71,73 and 75,77] constitute "piston phasing means". Nowhere does Mifsud teach any structure that could be construed as functioning as "piston phasing means", either on lift cylinders 5,7, or positive displacement valve 22, or elsewhere.

Accordingly, nowhere does Mifsud in any manner disclose or suggest:

- i) a positive displacement valve having "piston phasing means" (ie claims 22-27);
- ii) a hydraulic platform lift, having a positive displacement valve having "piston phasing means" (ie claim 28-33);
- iii) a hydraulic platform lift, having a right and left hydraulic cylinder having "piston phasing means" (ie claims 34-39); or
- iv) a hydraulic platform lift, having a positive displacement valve having "piston phasing means" and a left and right hydraulic (lift) cylinder also having "piston phasing means" (ie claims 40-46).

In view of the non-relevance of Mifsud and the fact that both the objections as to anticipation and as to obviousness of objected-to claims has been predicated in whole or in part on Mifsud, favourable reconsideration of objected-to claims, as currently amended, with a view to allowance of all claims, is earnestly solicited.

Applicants' undersigned attorney D. Doak Horne, Reg. No. 33,105 may be reached at (403) 298-1994 in the event the examiner should have any questions in respect of the above amendments. All correspondence should continue to be directed to the address given below.

Respectfully submitted,


Attorney for Applicants
D. Doak Horne, Reg. No. 33,105

Gowling Lafleur Henderson, LLP
Suite 1400, 700 - 2nd Street, S.W.
Calgary, Alberta T2P 4V5